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FEDERAL ELECTION
COMMISSION

2009 JAN -8 AM 10:24

OFFICE OF GENERAL
COUNSEL

January 7, 2009

Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 6021: Supplemental Information Regarding Respondents' Pennsylvania Challenge.

To the Commission:

I write on behalf of my client, consumer advocate and 2004 Independent presidential candidate Ralph Nader, to notify the Commission of additional information relating to Matter Under Review ("MUR") 6021. Specifically, in a related criminal proceeding initiated by the Attorney General of Pennsylvania, several witnesses gave sworn testimony indicating that Respondent Reed Smith, LLP, its affiliated attorneys and other Respondents named herein may have joined, or aided the consummation of, a criminal conspiracy to misappropriate taxpayer funds and resources for the benefit of Respondent Kerry for President 2004, Inc. Such testimony supports the allegations in the Complaint that Mr. Nader filed on May 30, 2008. It also provides the Commission with further grounds to refer this matter to the United States Department of Justice, for investigation of apparently knowing and willful violations of the Federal Election Campaign Act ("the Act"), and of possible violations of federal law that fall outside the Commission's jurisdiction.

This letter and the materials enclosed herewith are submitted as a supplement to the Complaint, and should not be construed to amend the Complaint.

Background

The relevant facts are set forth in the Complaint. In brief, the Complaint alleges that Respondents, including the Democratic National Committee ("DNC"), 18 state Democratic Parties, Kerry for President 2004, Inc., several Section 527 political organizations and at least 95 lawyers from 53 law firms, made millions of dollars in illegal and unreported contributions and expenditures in the course of a coordinated nationwide effort to deny voters the choice of voting for Mr. Nader and his running mate, the late Peter Miguel Camejo, as candidates in the 2004 presidential election. In furtherance of this effort, Respondents challenged the nomination petitions that Mr. Nader and Mr. Camejo filed in 18 states, including Pennsylvania.

In a letter dated October 14, 2008, Mr. Nader notified the Commission of a Grand Jury Presentment filed by Pennsylvania Attorney General Tom Corbett on July 10, 2008

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("Presentment"), which alleges that Commonwealth of Pennsylvania employees secretly prepared Respondents' Pennsylvania challenge using taxpayer funds and resources.¹ Presentment 54-58. Based upon those allegations, Attorney General Corbett charged 12 members or employees of the Pennsylvania House Democratic Caucus with numerous felony counts of criminal conspiracy, theft and conflict of interest. Seven defendants have pleaded guilty, and are cooperating with prosecutors. See Mario Cattabiani, *Seven Admit Guilt in Bonusgate* (Jan. 6, 2010) (available at <http://www.philly.com/philly/news/breaking/80850582.html>). One such defendant, Jeff Foreman, the former chief of staff to former state Representative Mike Veon, reportedly confirmed in court, as he entered his guilty plea, that the Grand Jury "[got] it right." See *id.* Former state Rep. Veon, who still faces trial, allegedly directed the unlawful effort to prepare Respondents' Pennsylvania challenge at taxpayer expense. Presentment 55-56, 74; Comp. ¶ 272.

Testimony Concerning Respondents Who Filed the Pennsylvania Challenge

During a preliminary hearing in Attorney General Corbett's related criminal proceeding, which was held in the Dauphin County Court of Common Pleas on October 7-8, 2008, several witnesses gave sworn testimony concerning Respondent Reed Smith, LLP and the attorneys who filed Respondents' Pennsylvania challenge (hereinafter, the "Pennsylvania Respondents").² As a convenience to the Commission, and for purposes of the following discussion, such testimony is summarized below. A transcript of the relevant proceedings is also submitted herewith (enclosed as "Exhibit A").

According to the testimony of Commonwealth of Pennsylvania employee Melissa Lewis, Respondent Efreim Grail, a partner in Respondent Reed Smith, coordinated the state employees' effort to prepare Respondents' Pennsylvania challenge at taxpayer expense. Ex. A 28. Ms. Lewis specifically testified that on three or four occasions, she personally delivered challenge-related work product, which state employees prepared at taxpayer expense, to Attorney Grail at Reed Smith's Pittsburgh offices. Ex. A 26-29. Ms. Lewis further testified that on such occasions, Attorney Grail gave her additional boxes of Nader-Camejo nomination petitions, which state employees reviewed at taxpayer expense and returned once again to Attorney Grail. Ex. A 26-29. Ms. Lewis also testified that she spoke with Attorney Grail several times by telephone, and that "he definitely knew I worked for Representative Veon," in the now-indicted former state legislator's district office. Ex. A 28, 46-48. Finally, Ms. Lewis testified that Attorney Grail never questioned the propriety of the state employees' work on Respondents' Pennsylvania challenge, nor did he advise that such work would be illegal if done at taxpayer expense. Ex. A 48.

Commonwealth of Pennsylvania employee Janet (Nero) MacNeil testified that she and several other state employees learned how to prepare Respondents' Pennsylvania challenge at the "law office in Pittsburgh." Ex. A 161-62. Michael Manzo, the former Chief of Staff to former Pennsylvania House Majority Leader H. William "Bill" DeWeese, testified that state employees from the Harrisburg and Beaver Falls district offices of the House Democratic Caucus prepared

¹ The Presentment was submitted to the Commission as "Exhibit A" of Mr. Nader's October 14, 2008 letter. It is also available online at <http://www.attorneygeneral.gov/uploadedFiles/Press/Harrisburg-Bonus-GJ-Presentment.pdf>.

² The "Pennsylvania Respondents" are identified by name in the Complaint. Comp. ¶¶ 112-18.

the challenge and delivered their work product "to lawyers who then do their thing...and actually take it to Court for challenge." Ex. A 240-41. Finally, email records and other evidence cited in the hearing provide further confirmation that state employees prepared Respondents' Pennsylvania challenge using funds and resources misappropriated from the taxpayers of Pennsylvania. Ex. A 38-41, 236-39.

Analysis

This Matter Should Be Referred to the Justice Department for Investigation of Respondents' Apparently Knowing and Willful Violations of the Act.

Count One of the Complaint alleges that the Respondents who challenged the Nader-Camejo nomination petitions violated the Act by making illegal and unreported contributions and expenditures for the benefit of Respondent Kerry for President 2004, Inc. Comp. ¶¶ 308-12; 2 U.S.C. §§ 434, 441a, 441b. The above-cited testimony supports Count One by providing further evidence that the Pennsylvania Respondents joined, or aided the consummation of, a criminal conspiracy to challenge the Nader-Camejo 2004 Pennsylvania nomination papers using funds and resources misappropriated from the taxpayers of Pennsylvania. Presentment 54-58. Because the challenge was intended to benefit Respondent Kerry for President 2004, Inc., Presentment 55-56, the Pennsylvania Respondents' failure to report the value of such funds and resources as in kind contributions violated the Act. 2 U.S.C. § 434.

The above-cited testimony also provides the Commission with further grounds to refer this matter to the Justice Department for investigation of the Pennsylvania Respondents' apparently knowing and willful violations of the Act. 2 U.S.C. § 437g(a)(5)(C). Knowing and willful violations of the Act that involve the making, receiving, or reporting of any contribution, donation or expenditure are punishable by mandatory fines and/or imprisonment. 2 U.S.C. § 437g(d)(1)(A). Accordingly, the Pennsylvania Respondents' failure to report the value of the taxpayer funds and resources misappropriated for the benefit of Respondent Kerry for President 2004, Inc., if knowing and willful, is subject to such penalties and should be referred to the Justice Department for further investigation. 2 U.S.C. §§ 434, 437g(d)(1)(A), 437g(a)(5)(C).

As Mr. Nader has previously stated, the Pennsylvania Respondents plainly knew or should have known that state employees prepared their challenge at taxpayer expense. Presentment 55-56; see Complainant's Letter to Commission (Oct. 14, 2008) 12-13. The foregoing testimony substantially confirms that Respondent Efreem Grail had such knowledge, inasmuch as he coordinated the state employees' efforts, and "definitely knew" that the individual with whom he met to exchange challenge-related work product was an employee in former state Rep. Veon's district office. Ex. A 26-29, 161-62. Further, all of the Pennsylvania Respondents had an "affirmative duty," under the Pennsylvania Rules of Civil Procedure, to conduct a "prefiling inquiry into both the facts and the law" relating to their challenge. Pa. R.C.P. 1023.1, Expl. Cmt. I (2003). In this case, such an inquiry would necessarily include basic factual questions such as who prepared Respondents' Pennsylvania challenge and how they did it. Comp. ¶ 272; Ex. A 26-29, 46-48, 161-62, 240-41.

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Instead of taking the minimal action necessary to ensure that they did not join or aid the consummation of a criminal conspiracy by filing a challenge that state employees unlawfully prepared at taxpayer expense, as required by Pa. R.C.P. 1023.1, the Pennsylvania Respondents made numerous public statements that effectively concealed the existence of the conspiracy (e.g., Comp. Ex. 66-67). A typical news media account, for example, portrayed attorneys from Respondent Reed Smith as the "workhorses" behind the effort, who claimed to have worked "thousands of hours" to prepare the challenge, which their firm undertook as a "pro bono" matter to promote "good government." Comp. Ex. 66 ("We had the resources to do a statewide review," Reed Smith attorney Daniel Booker reportedly claimed). Such claims simply do not comport with the Grand Jury's findings that "as many as fifty" state employees "contributed a staggering number of man-hours" to prepare the challenge at taxpayer expense.³ Presentment 55-56. Accordingly, the evidence submitted herewith provides further grounds to refer this matter to the Justice Department, for investigation of whether the Pennsylvania Respondents knowingly and willfully violated the Act, by failing to report the value of taxpayer funds and resources used to prepared Respondents' Pennsylvania challenge for the benefit of Respondent Kerry for President 2004, Inc. 2 U.S.C. §§ 434, 437g(a)(5)(C), 437g(d)(1)(A).

This Matter Should Be Referred to the Justice Department for Investigation of Violations of Federal Law That Fall Outside the Scope of the Commission's Jurisdiction.

This matter should also be referred to the Justice Department because Attorney General Corbett's investigation has uncovered an apparent pattern of unlawful interference with federal elections, which falls outside the scope of the Commission's jurisdiction. Presentment 1, 54-59. The Act does not specifically prohibit the misappropriation of taxpayer funds and resources for political campaign purposes, but only requires that the value of such funds and resources be reported. 2 U.S.C. § 434. Investigation by the Justice Department is therefore necessary to determine whether the underlying conduct set forth in the Presentment – a criminal conspiracy to misappropriate taxpayer funds and resources for the purpose of excluding candidates and suppressing voter choice in federal elections – violated other federal statutes. See, e.g., 18 U.S.C. § 241 (conspiracy against rights); 18 U.S.C. § 242 (deprivation of rights under color of law).

It is beyond dispute that Respondents' Pennsylvania challenge was the product of such a criminal conspiracy. Presentment 1, 54-58. Indeed, Respondent Reed Smith has never disputed the Grand Jury findings in the Presentment, nor the above-cited testimony implicating Reed Smith and Respondent Efirem Grail by name, even as the firm continues to pursue attachment proceedings to enforce a judgment directing Mr. Nader to pay \$81,102.19 in litigation costs, which Attorney Grail requested following the challenge.⁴ Comp. ¶¶ 282-84; see Reed Smith Bill

³ Such claims also appear to conflict with Respondents' own reports to the Commission, which indicate that Respondent DNC paid Reed Smith \$136,142 in October and November of 2004. Comp. ¶ 286.

⁴ Attorney Grail has publicly stated that his firm is the true party in interest seeking to collect the litigation costs. See Thomas Fitzgerald, *Pa. Law Firm Duns Nader for Expenses*, THE PHILADELPHIA INQUIRER (July 14, 2007) (submitted as "Exhibit D" of Complainant's October 14, 2008 Letter to Commission). Nevertheless, Reed Smith contends that it has "no duty" to dispute testimony that Attorney Grail coordinated the state employees' unlawful effort to prepare Respondents' Pennsylvania challenge at taxpayer expense, Ex. A 28-48, nor any other evidence that Reed Smith's costs judgment is the product of a criminal conspiracy. Brief of Appellee 18, *Nader v. Serody*, No. 09-cv-000906 (submitted Nov. 12, 2009).

of Costs Cover Letter (enclosed as "Exhibit B"). Not only is this judgment the product of a criminal conspiracy, but it is also unquestionably unconstitutional, because "it has long been established that a State may not impose a penalty upon those who exercise a right guaranteed by the Constitution." *Harman v. Forssenius*, 380 U.S. 528, 540 (1965) (citations omitted). The judgment thus violates landmark decisions of the Supreme Court of the United States, as well as numerous decisions of the federal courts, which hold that states may not require candidates and voters to incur a financial burden in order to participate in elections. See *Harper v. Virginia Bd. of Elections*, 383 U.S. 663 (1966) (holding poll taxes unconstitutional); *Bullock v. Carter*, 405 U.S. 134 (1972) (holding non-trivial filing fees for candidates unconstitutional); *Lubin v. Panish*, 415 U.S. 709 (1974) (holding filing fees for candidates unconstitutional in the absence of non-monetary alternatives); see also *Belitskus v. Pizzigrilli*, 343 F.3d 632 (3rd Cir. 2003) (enjoining enforcement of Pennsylvania's filing fees against candidates unable to pay them); *Republican Party of Arkansas v. Faulkner County*, 49 F.3d 1289 (8th Cir. 1995) (holding that Arkansas cannot require political parties to hold and pay for primary elections); *Fulani v. Krivanek*, 973 F.2d 1539 (11th Cir. 1992) (declaring unduly burdensome signature verification fees for minor party candidates unconstitutional); *Dixon v. Maryland State Bd. of Elections*, 878 F.2d 776 (4th Cir. 1989) (declaring mandatory filing fee of \$150 for non-indigent write-in candidates unconstitutional); *McLaughlin v. North Carolina Board of Elections*, 850 F. Supp. 373 (M.D. N.C. 1994) (holding five-cent per signature verification fee unconstitutional); *Clean-Up '84 v. Heinrich*, 590 F. Supp. 928 (M.D. Fl. 1984) (holding ten-cent per signature verification fee unconstitutional).

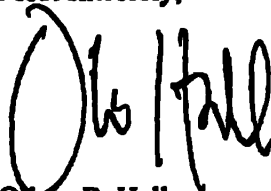
In short, the Pennsylvania Respondents cannot maintain the pretense that their challenge was intended to promote "good government," or any other legitimate purpose. Their challenge is the product of a criminal conspiracy to misappropriate funds and resources from the taxpayers of Pennsylvania, and its purpose was to deny the voters of Pennsylvania a free choice of candidates in the 2004 presidential election. Presentment 1, 54-58. Furthermore, the Pennsylvania Respondents' continued pursuit of a patently unconstitutional costs judgment, which they procured as a result of that criminal conspiracy, is a brazen attempt to penalize Respondent Reed Smith's clients' political opponent, Comp. ¶ 286, simply because he exercised his First Amendment rights of speech, petition and assembly by running for public office. The fact that certain Respondents perpetrated a "disturbingly similar" effort against Green Party senatorial candidate Carl Romanelli in the 2006 election, for the benefit of Respondent Robert Casey, Jr., Presentment 58-59, demonstrates a pattern of unlawful interference with Pennsylvania citizens' free exercise of their constitutional rights during federal elections, which the Justice Department should investigate for violations of federal laws that fall outside the Commission's jurisdiction.⁵ 18 U.S.C. §§ 241, 242.

⁵ The attorneys who challenged Carl Romanelli's nomination petitions, Respondents Clifford B. Levine, Alice B. Mittinger and Shawn N. Gallagher of Respondent Thorp, Reed & Armstrong, LLP (hereinafter, the "Romanelli Respondents"), also procured a judgment directing the defending candidate, Mr. Romanelli, to pay his nominal challengers' litigation costs, in the amount of \$80,407.56 (including attorneys fees). Like the Pennsylvania Respondents, the Romanelli Respondents continue to pursue enforcement of this unconstitutional judgment, even though they do not dispute the Grand Jury's findings that state employees secretly prepared their challenge at taxpayer expense. See *In re: Nomination Paper of Marakay Rogers*, No. 426 M.D. 2006, 6 (Pa. Commw. Jan. 23, 2009). Accordingly, the Romanelli Respondents should be investigated on the same grounds as the Pennsylvania Respondents.

Finally, referral to the Justice Department is necessary because no state authority appears to be investigating Respondents' conduct in this matter. Consequently, even though the Pennsylvania Respondents and the Romanelli Respondents have never disputed any of the evidence indicating that they joined or aided the consummation of a criminal conspiracy to misappropriate taxpayer funds and resources for political purposes, they remain free to pursue the punitive, unconstitutional judgments that they procured as a result of such conduct. Federal intervention is therefore needed to protect the constitutional rights of the citizens of Pennsylvania to participate in federal elections free from fear of state-imposed penalties exacted by their political opponents.

Should you wish to contact Mr. Nader, or if you would like further information regarding the foregoing matter, please do not hesitate to contact me. Thank you for your attention to this matter.

Most sincerely,

A handwritten signature in black ink, appearing to read "O. B. Hall". The signature is stylized with a large, looped "O" and a cursive "B".

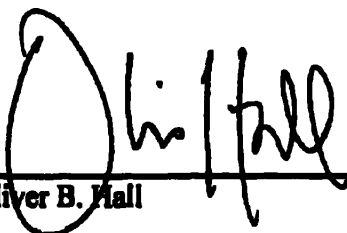
Oliver B. Hall
Counsel to Complainant Ralph Nader

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Verification

I hereby verify on this 7th day of January, 2010, that the statements made in the foregoing letter are, upon my information and belief, accurate and true.


Sworn to pursuant to 18 U.S.C. § 1001.



Oliver B. Hall

Sworn to and subscribed before me this 7th
day of January, 2010

Angela H. Croson
Notary Public, District of Columbia
My Commission Expires 3/31/2014



Notary Public

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EXHIBIT A

**Transcript of Proceedings, Preliminary Hearing for Ramaley and Peretta-Rosepink
Before Honorable Richard A. Lewis (Oct. 7-8, 2008)**

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1 COMMONWEALTH OF PENNSYLVANIA: IN THE COURT OF COMMON PLEAS
2 : DAUPHIN COUNTY, PENNSYLVANIA
3 VS :
4 SEAN RAHALEY : No. 1207 M.D. '08/4664 CR'08
5
6
7 COMMONWEALTH OF PENNSYLVANIA: IN THE COURT OF COMMON PLEAS
8 : DAUPHIN COUNTY, PENNSYLVANIA
9 VS :
10 ANNAMARIE PERRETTA-ROSEPIK : No. 1211 M.D. '08/4663 C.R. '08
11
12 COMMONWEALTH OF PENNSYLVANIA: IN THE COURT OF COMMON PLEAS
13 : DAUPHIN COUNTY, PENNSYLVANIA
14 VS :
15 MICHAEL VEON : No. 1206 M.D. '08/4656 C.R. '08
16
17 COMMONWEALTH OF PENNSYLVANIA: IN THE COURT OF COMMON PLEAS
18 : DAUPHIN COUNTY, PENNSYLVANIA
19 VS :
20 BRETT COTT : No. 1210 M.D. '08/4655 C.R. '08
21
22 COMMONWEALTH OF PENNSYLVANIA: IN THE COURT OF COMMON PLEAS
23 : DAUPHIN COUNTY, PENNSYLVANIA
24 VS :
25 EARL J. NOSLEY : No. 1212 M.D. '08/4654 C.R. '08

COPY

1 COMMONWEALTH OF PENNSYLVANIA: IN THE COURT OF COMMON PLEAS
2 : DAUPHIN COUNTY, PENNSYLVANIA
3 VS :
4 STEPHEN KEEFER : No. 1215 M.D. '08/4653 C.R. '08
5

6 TRANSCRIPT OF PROCEEDINGS

7 Preliminary Hearing for Ramaey and Perretta-Rosepink
8 Waiver of Hearing for Veon, Cott, Mosley and Keefer
9

10 BEFORE: HONORABLE RICHARD A. LEWIS, P.J.

11 DATE: October 7 and 8, 2008

12 PLACE: COURTROOM NO. 1
13 DAUPHIN COUNTY COURTHOUSE
HARRISBURG, PENNSYLVANIA

14 APPEARANCES:

15 ANTHONY J. KRASZTEK, JR., Esquire
JAMES M. REEDER, Esquire
Attorney General's Office
16 For - Commonwealth

17 PHILIP A. IGNEZI, Esquire
For - Defendant Ramaey

18 CYNTHIA R. EDDY, Esquire
19 For - Defendant Perretta-Rosepink

20 ROBERT G. DELGRECO, Jr., Esquire
For - Defendant Veon

21 BRYAN S. WALK, Esquire
22 For - Defendant Cott

23 MATTHEW R. GOVER, Esquire
For - Defendant Mosley

24 WILLIAM A. FETTERHOFF, Esquire
25 For - Defendant Keefer

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1 **MELISSA LEWIS,**
2 **called as a witness, having been duly sworn,**
3 **testified as follows:**

4
5 **DIRECT EXAMINATION**

6 **BY MR. KRASTEK:**

7 **Q Please state your name.**

8 **A My name is Melissa Lewis.**

9 **Q How are you employed currently?**

10 **A I am a regional director of the Allegheny**
11 **County Democratic Delegation.**

12 **Q You report where?**

13 **A At the House of Representatives.**

14 **Q In Harrisburg or in the west?**

15 **A In Harrisburg.**

16 **Q I want to go back to how you kind of**
17 **started your governmental employment, especially**
18 **in Pennsylvania. Could you tell us about that**
19 **please?**

20 **A In March of 2003 I was hired by**
21 **Representative Mike Veon's district in Beaver**
22 **Falls as a legislative assistant.**

23 **Q Even before that, what was your**
24 **experience prior to that at either politics or**
25 **government work?**

1 would give you those assignments?

2 A That would come from her as well.

3 Q Whether it was political or legislative,
4 she was your boss?

5 A Correct.

6 Q How long do you think you worked on the
7 Fred Vero campaign?

8 A That was probably about a month or so,
9 month and a half prior to election day.

10 Q Give us some idea of what you did on that
11 campaign?

12 A That was in Butler County so we would
13 alternate between myself and other district
14 office staff members going up during the week
15 doing door-to-door, phone banks, mailings,
16 whatever they needed from us and then also going
17 up on the weekends as well.

18 Q Who gave you those directions about these
19 specific political tasks you were required to do?

20 A We were directed to go up by Annamarie.

21 Q Tell us about the petition challenge
22 involving Ralph Nader?

23 A We were told that once the petitions were
24 filed to get on the ballot, we were instructed to
25 go line by line through each of the petitions to

1 make challenges to it. At that time we were
2 getting boxes of binders of these petitions to go
3 through.

4 And then I was instructed to go to
5 Pittsburgh to a law office and trade out, give
6 them what we completed and get new boxes of
7 material to bring back.

8 Q I wouldn't know the first thing about
9 looking at a nominating petition and what was a
10 correct name and what was a challengeable name.

11 Did you know already or did someone give
12 you some idea of what you were looking for?

13 A We were given instructions as to what we
14 would be looking for and how to challenge.

15 Q Who gave you those instructions?

16 A Annamarie.

17 Q Just the short version, what did she tell
18 you? What were the circumstances? Did she get
19 you all together and give you some guidelines on
20 what to do, like a little seminar?

21 A Yeah, she got all of the district office
22 staff who were involved in going through these
23 petitions and she gathered us and told us what we
24 were to look for to make the challenges.

25 Q In particular, was it Annamarie

1 Perretta-Rosepink that gave you those
2 instructions?

3 A Yes.

4 Q You said you did that work where?

5 A That took place in the district office.

6 Q Was this like hard copy kind of work or
7 was there a computer program involved?

8 A It was both. We would obtain these
9 binders with copies of the petitions and there
10 was a program on our computer that we would go
11 through line by line each petition, what we were
12 challenging and why we were challenging it.

13 Q So you would look at the hard copy and
14 then you would input things into the program?

15 A Correct.

16 Q This program what was it exactly, if you
17 know, as best you can explain it to someone like
18 me?

19 A It was more of a data entry type of
20 program. I am not sure what the name of it was
21 but it was installed on all computers. It was
22 all data intense.

23 Q It was installed in the district office
24 computers?

25 A Yes.

1 Q State computers?

2 A Yes.

3 Q You were doing this political work on
4 there?

5 A Yes.

6 Q You said that you would take these
7 results once you finished looking at the hard
8 copies, you took them to a law firm. Where did
9 you take them?

10 A We took those to Reed Smith in
11 Pittsburgh, downtown Pittsburgh.

12 Q Was there one particular lawyer you were
13 working for?

14 A Yes.

15 Q Who was that?

16 A Efrem Grail.

17 THE COURT: I didn't catch the name.

18 THE WITNESS: Efrem Grail.

19 THE COURT: Can you spell that?

20 THE WITNESS: E-f-r-e-m, G-r-a-i-l.

21

22 BY MR. KRASTEK:

23 Q Would it be correct that Mr. Grail was
24 coordinating the effort?

25 A Yes.

1 Q Did you deal with him personally?

2 A Yes.

3 Q You would come from the Beaver County
4 office, go to Pittsburgh with your boxes of
5 binders and nominating petitions and you would
6 give those to Mr. Grail, he would give you other
7 ones back and you go back and work on the new
8 ones?

9 A Correct.

10 THE COURT: The petitions you were
11 reviewing or examining, were they from a
12 particular region of the state?

13 THE WITNESS: I believe those were from
14 all over the state actually.

15

16 BY MR. KRASTEK:

17 Q Do you know where Mr. Grail got that
18 mother lode?

19 A I am not sure where he obtained those.

20 Q How long did you work on the Ralph Nader
21 petition challenge?

22 A That took probably about a week, maybe a
23 little more than a week, week and a half.

24 Q Can you give the Judge some kind of a
25 sense of the manpower involved, the legislative

1 manpower that was involved in this petition
2 challenge?

3 A It was massive and just completely
4 consuming. That is what we did every day. There
5 were -- that's what we were doing at our desk
6 every day and as constituents would come in and
7 call, people would take turns going and helping
8 them but that's what we did all day long and we
9 would stay after work and stay well into the
10 evening, sometimes 11:00, 11:30 in the evening
11 and we would come in on weekends and do it on the
12 weekends as well.

13 Q You said we, can you give us an idea
14 about who you mean by we?

15 A It was everyone working in the district
16 office at that time and it was summer so there
17 were also summer interns.

18 Q Legislative assistants and summer
19 interns?

20 A Yes.

21 Q Anyone from the Harrisburg office come in
22 to work on this?

23 A I believe a couple people did come in
24 from Harrisburg to do some things. But I think
25 they were also working on it on their own in

1 Harrisburg.

2 Q You said this took a good week and into
3 the evenings and on the weekends as well?

4 A Correct.

5 Q About how many do you think it was
6 approximate number of people, interns and
7 legislative assistants working on this?

8 A I would say at that time there were
9 probably around ten, ten to 12.

10 Q Each and every one of these State
11 employees who was working to challenge the
12 petitions of Ralph Nader were doing that work at
13 the direction of whom?

14 A Annamarie Perretta-Rosepink.

15 Q Staying in 2004.

16 A Uh-huh.

17 Q Do you know Sean Ramaley?

18 A Yes.

19 Q How do you know Sean Ramaley?

20 A He is a State Representative.

21 Q How did you first meet Sean Ramaley?

22 A Whenever he ran for his first term in
23 office, that was in 2004 and I was still working
24 in the district office at that time.

25 Q How is it that you came to meet Sean

1 MR. KRASTEK: It is a two page exhibit.

2 THE COURT: Do you have a copy for me?

3 MR. KRASTEK: I do.

4

5 BY MR. KRASTEK:

6 Q Take a look at No. 22, Miss Lewis. Can
7 you identify -- do you recall that series of
8 E-mails?

9 A Yes, I do recall it.

10 Q Just as a point of order, we are all in
11 the E-mail age. There are times when A and B can
12 send E-mails to each other and then they can
13 forward it to someone else to see and then C can
14 forward to someone else and eventually Ms. Lewis
15 could be at the end of it but might have the
16 entire exchange previously written, correct?

17 A Correct.

18 Q Is that kind of what happened here with
19 exhibit 22?

20 A Yes.

21 Q I show you this exhibit because of your
22 reference to the Nader challenge.

23 If you could put up exhibit No. 22-2
24 first.

25 This would be the first in that series of

1 E-mails that eventually got its way to you,
2 correct?

3 A Correct.

4 Q This would be referring -- I am sorry,
5 this is an E-mail from Barb Grill, dated
6 Wednesday, October 13, 2004 to William DeWeese,
7 Michael Veon and then there is cc, Michael Manzo,
8 Jeff Foreman, Bill Patton, Bob Caton and Tom
9 Andrews, correct?

10 A Correct.

11 Q It is talking about the Commonwealth
12 Court ruling in Nader; is that correct?

13 A Yes.

14 Q Which again basically disqualified Mr.
15 Nader as a result of that, of your effort,
16 correct?

17 A Correct.

18 Q That was sent to those people and then if
19 you go to C-22-1, this is from Bill Patton, at
20 the bottom of that page, sent October 13, 2004,
21 less than an hour later to Barb Grill, William
22 DeWeese and Michael Veon with cc Michael Manzo,
23 Jeff Foreman, Bob Caton and Tom Andrews,
24 indicating here is a pdf of the Nader decision,
25 444 pages, correct?

1 A Correct.

2 Q A reply from Mike Veon to Bill Patton,
3 Barb Grill, Bill DeWeese, cc Michael Manzo, Jeff
4 Foreman and Bob Caton and Tom Andrews within a
5 minute and anyhow what was that?

6 A Mike had asked them for just a synopsis
7 of what was in that large decision.

8 Q Give me the cliff note version, correct?

9 A Correct.

10 Q Then what Barb Grill sends back a minute
11 later are two quotes, two paragraphs quoted from
12 that opinion, correct?

13 A Uh-huh.

14 Q Now, the next one is from Mike Veon,
15 dated the same day October 13, 2004 at 4:29 P.M.
16 and this is to all the LAH staff, what is that
17 please?

18 A That is the Lend-A-Hand.

19 Q Is that another nonprofit controlled by
20 Mr. Veon?

21 A Correct.

22 Q To Melissa Lewis, you, John Milkovich,
23 Janet Nero, Gee Gee Nesmith, Chet Orelli,
24 Annamarie Perretta, Dennis Pietrandrea, Sandra
25 Vorderbrueggen, David Bliss Esther Reeve, Jeb

1 Wagner. There is a bunch of other names as well.

2 To your knowledge were these other people
3 that worked as you did on the challenge to the
4 Ralph Nader petition?

5 A Yes.

6 Q And if you could read into the record
7 what Mike Veon said to you all after the
8 Commonwealth Court ruled in your favor?

9 A Says, FYI, great job by our staff. This
10 would never have been successful without your
11 work. You have given John Kerry an even better
12 opportunity to win this state, one of the five
13 most important states to win this year. That is
14 a very significant fact and very significant
15 contribution by each one of you to the Kerry for
16 President campaign. You should take great pride
17 in your efforts.

18 Q One moment please.

19 Miss Lewis, we are still in the district
20 office. To what extent were you involved in the
21 fundraising and was that a factor in the district
22 office, the political fundraising?

23 A Yes, I was asked to assist in dealing
24 with the Committee to Elect Mike Veon. I was
25 doing those things and responsibilities.

1 Q I believe you stated that there was quote
2 no accounting for time?

3 A Yes.

4 Q Are you aware of what the Democratic
5 Caucus policy was for accounting for time in the
6 district office?

7 A When I was working in the district
8 office, I was not aware of leave tracking and the
9 -- leave tracking program and also the leave
10 slips.

11 Q You are not aware that there was any
12 policy which required leave tracking?

13 A No.

14 Q Now, I believe you also stated that you
15 would take these petitions that you reviewed and
16 you were taking stacks to an attorney in downtown
17 Pittsburgh, correct?

18 A Correct.

19 Q I believe you stated that he worked for a
20 law firm Reed Smith, correct?

21 A Correct.

22 Q Can you give us any idea what size law
23 firm that was?

24 A It is a large law firm.

25 Q In downtown Pittsburgh?

1 A Yes.

2 Q You met with Attorney Efrem Grail?

3 A Yes.

4 Q Do you know how many occasions you met
5 with him?

6 A It was nearly every time I brought the
7 completed work to him to be traded, almost every
8 time.

9 Q You met with him personally?

10 A Yes, I did meet with him personally.

11 Q He was an attorney?

12 A Yes.

13 Q Can you give me any guess about how many
14 times that may have been?

15 A I would say probably three, three or four
16 times that I met with him personally.

17 Q Did you talk to him over the phone?

18 A Yes, I did.

19 Q Approximately how many times would you
20 have spoken with him over the phone?

21 A Probably about the same amount of time.

22 Q Do you know what kind of attorney Efrem
23 Grail is or what his specialty is?

24 A No, I do not.

25 Q In your meeting with Efrem Grail, did he

1 know who you were?

2 A Yes.

3 Q Did he know you worked in the district
4 office of Mike Veon?

5 A Yes.

6 Q Did he know you were a legislative
7 assistant?

8 A I don't know if he knew what my title was
9 but he definitely knew I worked for
10 Representative Veon.

11 Q Did he ever say to you, you know Miss
12 Lewis, you really shouldn't be doing this on
13 State time, it is improper?

14 A No, he never mentioned anything like
15 that.

16 Q Did you ever ask him, you know, I am
17 being paid to do this for my job and can they
18 make me do that for my job? Did you ever have
19 those discussions?

20 A No.

21 Q Did you ever ask him if it was improper
22 for you to be working on the Nader petition?

23 A No.

24 Q He never says that it was, correct?

25 A No, he never did.

DIRECT EXAMINATION

BY MR. KRASTEK:

Q Sir, state your name and spell your last name please?

A Richard Pronesti, P-r-o-n-e-s-t-i.

Q How are you employed now?

A I am a research specialist with the House Democratic Caucus for Representative Phyllis Mundy.

Q Tell us how you began your work with the Legislature?

A I was hired to work on the staff of Representative Mike Veon in June of 2002.

Q Is that at his Harrisburg office?

A In the Harrisburg office.

Q Were you employed at first at a legislative assistant?

A Research analyst was my title.

Q Can you explain the relationship between the district office and the Harrisburg office, if there is any -- or was any, I mean?

A The best way I can describe it is separate operations as far as legislative work and constituent work. However, from time to time the office in Harrisburg would be asked to

1 my recollection, he replied put legislative
2 business in the district office. You are going
3 for legislative business. That's what you put
4 down on your forms because you would need
5 pre-approval as well.

6 Q Which campaigns did you go out to work in
7 the district office?

8 A I helped on the Tesla for judge campaign,
9 Jimmy Albert's campaign. That was a Beaver
10 County commissioner campaign. Helped on Chet
11 Orelli's campaign for New Castle City Council. I
12 did a little bit of help for Judges Mancini and
13 Dohanich that was a campaign as well and then, of
14 course, Mike's campaign in 2006.

15 Q Were you involved in any petition
16 challenges?

17 A Yeah, on two instances. I -- the time
18 line I get confused as to what exact candidates
19 were involved. In one challenge we were asked,
20 we being myself and Karen Steiner, we received an
21 E-mail on our way to work on Thursday or Friday
22 and we were asked to go over to the Department of
23 State where we sat and challenged petitions with
24 folks and it was a Republican and third party and
25 you have to sit there and look at them and on

1 another instance I was given petitions and worked
2 from my desk where I reviewed the petitions for
3 discrepancies in signature or any kind of
4 information and logged it into a computer system.

5 Q Did you work on the Ralph Nader petition
6 challenge?

7 A I believe so.

8 Q Was that in the Harrisburg office or
9 district office?

10 A Harrisburg office.

11 Q Going back to those cases, those races
12 that you worked in the district office, who
13 supervised you out there?

14 A In the district office, it was usually
15 Brett Cott or Annamarie.

16 Q Annamarie Perretta-Rosepink?

17 A Yes.

18 Q Give us an idea, I used the word
19 supervise, what did that entail?

20 A It depends on which campaign. I mean,
21 Annamarie was usually, especially for the local
22 stuff, Annamarie was the person you go to. She
23 would give instructions for the most part,
24 materials, where to go, what areas to hit.
25 Mike's campaign was a lot tighter with Brett.

1 the testimony.

2 THE COURT: Ladies and gentlemen, it is
3 probably a good time to break for lunch.

4 MR. IGNELZI: Before you break, may we
5 see you?

6 THE COURT: Sure.

7
8 (Whereupon, there was a discussion held
9 at sidebar off the record.)

10
11 THE COURT: Ladies and gentlemen, we will
12 recess until 2:15.

13
14 (Whereupon, Court was in recess.)

15
16 AFTER RECESS

17
18 THE COURT: Good afternoon, everyone.

19 Next witness please.

20 MR. KRASTEK: Janet Nero.

21
22 JANET NERO MACNEIL,
23 called as a witness, having been duly sworn,
24 testified as follows:

25

DIRECT EXAMINATION

2 BY MR. KRASTEK:

3 Q State your name please and spell your
4 last name?

5 A It is actually Janet MacNeil,
6 M-a-c-N-e-i-l.

7 Q Previously you went by Janet Nero?

8 A Correct, N-e-r-o.

9 Q How are you employed?

10 A I currently work for the Democratic
11 Caucus under State Representative Sean Ramaley.

12 Q I am going to take you back to August of
13 2003. Where were you working then?

14 A I worked for Lend-A-Hand Network.

15 Q Can you explain to the Court what
16 Lend-A-Hand is?

17 A Lend-A-Hand Network is a nonprofit agency
18 that was funded by the State through State
19 Representative Sean -- Mike Veon.

20 Q You just got here and are still out of
21 breath?

22 A Yes.

23 Q It was under the control of Mike Veon,
24 correct?

25 A Correct.

1 Q In a nutshell, what did Lend-A-Hand do?

2 A Assisted senior citizens with matching
3 teens to senior citizens so the senior citizens
4 could be mentors to the teens.

5 Q How long did you work for Lend-A-Hand?

6 A From 2003 to September of 2004.

7 Q Where did you move from there?

8 A To the Democratic Caucus under State
9 Representative Sean -- Mike Veon, sorry.

10 Q Did you work in the Harrisburg office or
11 Beaver Falls?

12 A In his district office, Beaver Falls.

13 Q What was your title and what were your
14 responsibilities?

15 A Legislative assistant to deal with
16 constituent issues.

17 Q Did you do any work at the direction --
18 who is your supervisor there?

19 A Annamaria Perretta-Rosepink.

20 Q Did she give you your legislative
21 assignments to the extent that you didn't already
22 know what to do when you were there but would she
23 be the one who would assign you to specific
24 tasks?

25 A Yes.

1 Q Were you involved also in campaigning?

2 A Yes.

3 Q When did you begin your involvement in
4 campaigning?

5 A When I was with Lend-A-Hand.

6 Q How did that come about?

7 A It was just natural. It was what
8 everybody did. We all did it.

9 Q I mean, did you have some -- did you pick
10 out a candidate on your own or were you directed
11 to work on a campaign by someone else?

12 A We were directed to work on a campaign by
13 either Mike or Annamarie.

14 Q When you say Mike, you mean Mike Veon?

15 A Yes.

16 Q Annamarie, Annamarie Perretta-Rosepink?

17 A Correct.

18 Q Let's start with the Lend-A-Hand days.
19 What is the first campaign you worked on?

20 A If I recall correctly, it would be the
21 Nader campaign, Nader petition.

22 Q Ralph Nader petition?

23 A Uh-huh.

24 Q How did you get involved in that?

25 A Through Annamarie and Mike.

1 Q That would have been in 2004; is that
2 correct, that was the presidential?

3 A Correct.

4 Q Who assigned you to work on that?

5 A Annamarie.

6 Q At the time were you working in the
7 district office or Lend-A-Hand?

8 A Lend-A-Hand was in the district office so
9 I was right part of it.

10 Q Do you recall who -- what paycheck were
11 you getting at that time, if you recall?

12 A Lend-A-Hand Network.

13 Q Who was your supervisor at Lend-A-Hand?

14 A It was Julie Jarbeck. She was the
15 director of Lend-A-Hand and Annamarie -- I don't
16 know really after that, it was Mike and
17 Annamarie.

18 Q How is it that you get -- you are working
19 for Lend-A-Hand and you are teaming up senior
20 citizens and teenagers, doing that; how is it
21 that you get from there to challenging Ralph
22 Nader's nominating petitions?

23 A We all worked together as a group. The
24 district office staff would also help us in
25 Lend-A-Hand on any projects that we had, on any

1 functions that we had. So it was almost like you
2 were a group, participate all together.

3 Q In fact --

4 THE COURT: I am sorry. I am not getting
5 all the details, I'm afraid. Tell me again what
6 was Lend-A-Hand?

7 THE WITNESS: It was a nonprofit.

8 THE COURT: Nonprofit?

9 THE WITNESS: Correct.

10 THE COURT: Funding came from where?
11 From whom?

12 THE WITNESS: The State.

13 THE COURT: The office was in the
14 district office?

15 THE WITNESS: Correct.

16 THE COURT: Were there other offices for
17 Lend-A-Hand throughout the state or was that it?

18 THE WITNESS: That was the only one.

19

20 BY MR. KRASSTK:

21 Q Indeed Lend-A-Hand was a small nonprofit
22 that was one of Mike Veon's efforts; is that
23 correct?

24 A Correct.

25 Q There were others, were there not, other

1 nonprofits controlled by Mike Veon at that same
2 time?

3 A Only other one I would think of would be
4 Beaver Initiative for Growth.

5 Q Where was their office located?

6 A Within the district office.

7 Q Again this is just to give the Judge some
8 context.

9 A It was a very large office.

10 Q Very large office. You had district
11 office employees?

12 A Yes.

13 Q You had Lend-A-Hand workers and also
14 Beaver Initiative for Growth or BIG employees?

15 A Correct.

16 Q Were some of the district office
17 employees also working for BIG and being paid by
18 both entities, the State and the nonprofit?

19 A I believe so.

20 Q If you know?

21 A I believe. From just the knowledge that
22 I picked up over the years, yes, I believe so.

23 Q When BIG went out to do BIG things, who
24 was directing them?

25 A Tom Woodske.

1 Q Now, in this context what I am trying to
2 find out is how you are working for Lend-A-Hand,
3 at the time you are not working you say for the
4 district office, how is it that you get to go
5 challenge the Ralph Nader nominating petitions?

6 A It was asked of us.

7 Q By whom?

8 A Annamarie and I believe Mike.

9 Q What did they ask you to do?

10 A To work on this project to help John
11 Kerry.

12 Q Was there some kind of instruction on
13 what you would do? Did you know what to do
14 already?

15 A No, they trained us on what to do. We
16 just went through the petitions.

17 Q Who trained you?

18 A The law office that was hired.

19 Q Do you recall the name?

20 A The law office in Pittsburgh, I can't
21 remember their name off the top of my head. We
22 went there and they told us what to do. We
23 brought the books home, back to the district
24 office and did them on the computers.

25 Q Who is we? Who went with you to the law

1 office in Pittsburgh to challenge Nader's
2 nominating petitions?

3 A Names that I can definitely name is Chet
4 Orelli and Melissa Lewis. I believe Dennis
5 Pietrandrea went once but when we brought them
6 back, everybody participated.

7 Q What do you mean by everybody?

8 A All the staff. It was all the staff, the
9 interns, all of the staff that was on staff
10 during that summer and I can't remember all of
11 them but.

12 Q I want to be clear because we are talking
13 about three entities here and you have identified
14 yourself at that time being with Lend-A-Hand and
15 we will get the records to see who was actually
16 paying you at that time but was this an
17 office-wide thing where the district office,
18 Lend-A-Hand and BIG were all working on this?

19 A Actually I don't recall. I don't recall
20 BIG really.

21 Q Okay.

22 A I don't know. There was a transition at
23 some point with BIG and I didn't really know a
24 lot about BIG. It was after that that the BIG
25 staff came on. And I don't remember, I don't

1 know the dates of when the BIG staff came in to
2 the office.

3 Q Who all was district office staff paid by
4 the Legislature, paid by the citizens who all
5 worked on the nominating petitions?

6 A Would have been Melissa Lewis, Gee Gee
7 Nesmith, Dennis Pietrandrea, Chet Orelli, myself,
8 and I believe there were a few interns there and
9 there may be other staff that I don't recall.

10 Q Give the Judge some idea of the effort
11 involved in this for that week or ten days,
12 however long it was, how much work was put in by
13 you individuals?

14 A Very late evenings, very late nights. I
15 know there was one Friday night where I had plans
16 and did not make my plans, didn't make my
17 engagement because we stayed at the district
18 office.

19 Q How early did you start in the morning
20 working on those petitions?

21 A We would start usually from what I -- I
22 just remember one day in particular that we
23 started after work and went until late evening.

24 Q Now, again this was done, you were told
25 to do it at the direction of Mike Veon and

1 Annamarie Perretta-Rosepink, correct?

2 A Correct.

3 Q How was this accommodated given the fact
4 that you're working for the State, being paid by
5 the State? Did you go off payroll, what
6 happened?

7 A No.

8 Q What happened to make this proper?

9 A I did not go off payroll but I was
10 employed by Lend-A-Hand.

11 Q I am sorry?

12 A I was employed by Lend-A-Hand. I don't
13 know if any of the other staff went off payroll.

14 Q Later that year, you would have actually
15 gone on the State payroll; is that correct?

16 A Beginning, I believe it was the beginning
17 of September of 2004.

18 Q Did you continue to work on campaigns?

19 A Yes.

20 Q What campaigns did you work on then?

21 A I know we worked on Vero in Butler.

22 Q Okay.

23 A I know that we worked on Kim Tesla.

24 Q Is that a judicial race in Beaver County?

25 A Yes.

1 Q What else?

2 A I don't recall any other ones. You know,
3 I can't remember names. I just remember Vero and
4 I remember Kim Tesla.

5 Q Do you think it was just those two or
6 there may have been more, you don't recall the
7 names?

8 A There may have been more there. I don't
9 recall the names.

10 Q Again, did you pick these names of these
11 people because of whatever they stood for or were
12 you assigned to do this?

13 A Assigned to do this.

14 Q Who assigned you?

15 A Annamarie and Mike.

16 Q By Mike, you mean Mike Veon?

17 A Correct.

18 Q Again, what exactly did you do for those
19 campaigns, the Tesla and Vero campaigns?

20 A Door knock and literature drops.

21 Q Anything else?

22 A Attend any fundraisers they had.

23 Q When would you do this?

24 A Either during the day or in the evenings,
25 on weekends.

1 Q Did it include when you were supposed to
2 be working at the district office?

3 A Yes.

4 Q What was the arrangement then? My
5 question before was premature. What was your
6 arrangement then with regard to who was going to
7 be paying you, whether you should go off payroll
8 or not?

9 A There was no arrangement.

10 Q Did anyone raise the question, is this
11 okay?

12 A Maybe within our own group we did but
13 didn't raise the question to the appropriate
14 people.

15 Q In particular, did you or anybody to your
16 knowledge raise the question of the propriety of
17 working on these campaigns while being paid by
18 the taxpayers of Pennsylvania with either Mike
19 Veon specifically or Annamarie Perretta-Rosepink
20 specifically?

21 A No.

22 Q Is there some reason why you didn't?

23 A I didn't realize that you weren't allowed
24 to do that.

25 Q Okay.

1 A It wasn't until the -- my mind went back
2 to the gentleman that got in trouble outside of
3 Pittsburgh that I realized that it was illegal.

4 Q Mr. Habay?

5 A Yes.

6 Q So you were aware when Jeff Habay got
7 convicted?

8 A Yes.

9 Q When he got convicted for what he got
10 convicted for, were you following that case? Did
11 you understand what that was about?

12 A Yes.

13 Q Did you relate that case in one way or
14 another to what you were being asked to do by
15 Annamarie Perretta-Rosepink and Mike Veon?

16 A Yes.

17 Q Was it -- were you being asked to do
18 something similar or dissimilar?

19 A Same thing.

20 Q After Jeff Habay got convicted and you
21 became aware of it, did things change? Was there
22 more chatter about that?

23 A There was more chatter within our own,
24 you know, within the staff but I don't believe
25 anybody ever went to them and questioned it.

1 Q Can you give me just an idea of the kind
2 of chatter? Like what was the tone of that?

3 A I can't believe we are doing this. If
4 somebody catches us, this is going to be huge.
5 If people only knew what was going on or if the
6 press gets ahold of this.

7 It was just chatter and everybody talking
8 among themselves and then dismissing it, kind of.
9 We didn't, you know --

10 Q No one raised this with Miss Rosepink or
11 Mr. Veon?

12 A Not that I know of.

13 Q Through that time, through 2005 anyhow,
14 was there a policy in the office when you worked
15 in the district office now as a legislative
16 assistant, regarding the accrual of comp time and
17 the taking of leave?

18 A No, not really. We just kind of knew we
19 had comp time but it was not a written policy.
20 Like, I could never tell you how much comp time I
21 had or if I had comp time.

22 Q I could tell you right now how much
23 vacation time I have coming and I can tell you
24 that --

25 A I know now.

1 signed and there may be additional questions. So
2 if you can just step down and hopefully we will
3 get this resolved.

4 THE WITNESS: Where do you want me to
5 wait?

6 THE COURT: I don't know who the next
7 witness is. Perhaps it is best if you wait out
8 in the hall.

9 MR. KRASTEK: We can send him to the
10 library.

11 THE COURT: Can I see counsel?

12
13 (Whereupon, there was a discussion held
14 at sidebar off the record.)

15
16 MR. KRASTEK: Mr. Manzo.

17
18 MICHAEL MANZO,
19 called as a witness, having been duly sworn,
20 testified as follows:

21
22 DIRECT EXAMINATION

23 BY MR. KRASTEK:

24 Q Would you state your name please?

25 A Michael Manzo.

1 Q Mr. Manzo, you are here today represented
2 by counsel, right?

3 A Yes, sir.

4 Q Who is your counsel?

5 A James Eisenhower.

6 Q Is he in the courtroom today?

7 A Yes.

8 Q I want to talk to you about the time that
9 you were employed by the House Democratic Caucus.

10 If you could just do it chronologically first.

11 If you can tell us when you started and what your
12 responsibilities were in brief detail and then
13 the course you took in terms of your position and
14 your title basically until the end?

15 A I was -- I started with the House
16 Democrats in 1994. I was a staff writer for
17 Representative Bud George in the Environmental
18 Resources Committee. In 1999, I was promoted to
19 Press Secretary to the Democratic Leader Bill
20 DeWeese. In 2001, I became DeWeese's Chief of
21 Staff and that's where I served until November of
22 2007.

23 THE COURT: The date you became Chief of
24 Staff?

25 THE WITNESS: 2001.

1 Mr. Manzo, can you identify this and explain what
2 it is, first of all, generally like the kind of
3 document it is?

4 A Yes. I just want to read this paragraph.

5 Q Sure.

6 A In fact, this is sort of an example of
7 what I had just spoken about, about how some of
8 the staff people who had worked on campaigns and
9 we may have overlooked would consistently get
10 back to Scott or I or somebody in leadership and
11 say, hey, wait a minute, why didn't I get helped
12 out too, I did a lot of work.

13 So this is an E-mail between obviously
14 Brett Cott and myself and Scott Brubaker where
15 someone in the IT office apparently got skipped
16 and she went back to Scott Brubaker and Scott
17 recommended or someone recommended \$1,500. It
18 looks like it might be me to Scott and he
19 answered yes. So we put that on the list and
20 down towards the bottom, that's where I took the
21 list and sent it to Mike, Brett and Jeff for
22 Mike's additions.

23 Q When you get -- when you copy E-mails or
24 look at them on your computer screen, you have to
25 start at the bottom and work your way up?

1 A Right. So it looks like I may have sent
2 to Mike for his additions first and then we went
3 back and subsequently added Cathy Smith.

4 Q With the first E-mail from you to Mike
5 Veon, first of all, that's November 22, 2004?

6 A Yes.

7 Q At 3:46 P.M., right?

8 A Yes.

9 Q In there you are talking about the
10 suggested year-end bonuses and if I can go to
11 numeral two, you talk about outside activities
12 being specials, general and Nader effort?

13 A Yes, sir.

14 Q To the extent that that isn't immediately
15 obvious to us, can you explain what that
16 references?

17 A Based upon my recollection of this, that
18 would have been there was, I think there were
19 probably two special elections in that year and,
20 of course, the general election and the effort to
21 challenge the petitions of Ralph Nader for being
22 on the ballot in Pennsylvania for President.

23 Q This indicates that the reason for
24 talking about these bonuses is that at least in
25 part because of the political work done by

1 legislative staffers, correct?

2 A Yes, sir.

3 Q Above that is a continuing dialogue
4 about, as you indicated, one employee from the IT
5 section that fell through the cracks?

6 A Uh-huh.

7 Q And again I guess the last E-mail there
8 is from Brubaker to you and Cott and again
9 subject line is bonus, November 23, 2004 at 12:55
10 P.M., correct?

11 A Yes.

12 Q All that E-mail chatter occurs within
13 those time periods; is that correct?

14 A Correct, yes.

15 MR. KRASTEK: One moment, Your Honor.

16

17 BY MR. KRASTEK:

18 Q One other segment I want to talk to you
19 about. That E-mail references the Nader effort?

20 A Yes, sir.

21 Q Can you expound upon that? How was it
22 determined, if you know, that there would be this
23 challenge to the Nader nominating petitions in
24 2004, to what extent you and others in the
25 Democratic Caucus were involved in that and what

1 efforts were made to accomplish that?

2 A Sure. The decision was based largely on
3 the opinion by Mike and by Bill that no one else
4 had the capabilities, no one else by that I mean,
5 State Committee for instance, the Democratic
6 State Committee. No one else had the resources
7 and expertise to do petition challenges quite
8 like the House Democrats did because we had done
9 it for years. They have been doing it for two
10 decades, challenging petitions. A lot of people
11 on our staff knew how to do it with a lot of
12 expertise.

13 So the calculation was made by the
14 leaders that we could not afford to have Ralph
15 Nader get on the ballot in Pennsylvania because
16 John Kerry might lose the state if that happened.
17 So the same people who typically did the ballot
18 challenge against Republican candidates all
19 pulled their resources and did the challenge
20 against Nader. That was coordinated out of our
21 Harrisburg offices and Mike's district office.

22 Q You referred to Bill and Mike. I know a
23 lot of Bills and Mikes.

24 A I am sorry. I am sorry. Bill DeWeese
25 and Mike Veon.

1 Q Who was the on the ground director or
2 supervisor of that effort out of the district
3 office?

4 A Annamarie.

5 Q Give us some idea again, I have never
6 been involved in a petition challenge either.
7 Can you give us some idea what is involved in
8 that?

9 A Basically you have to have access to
10 voter files and then you have to have people pour
11 over every page and look for fatal flaws. The
12 attorneys for the House Democratic Caucus are
13 well versed in doing this. They have been doing
14 it for decades.

15 In fact, they have a primer that is
16 available for all the staff to look at that very
17 clearly lays out to you what is a fatal error on
18 a nominating petition. It is improperly
19 notarized or they didn't fill in their town or
20 they have a P.O. box instead of a street address.

21 So what you do is you go through every
22 single page of the petitions after you make
23 copies of them and then you circle or highlight
24 the ones you believe to be bad and you pass that
25 off to lawyers who then do their thing. They

1 take it to the next level and actually take it to
2 Court for challenge. It is prep work.

3 Q Can you give us an idea about how many
4 Commonwealth employees, legislative assistants,
5 interns were involved in this?

6 A I would say probably upwards of a dozen
7 working on it, you know, hard. I mean, there
8 were some folks that took some home. I even took
9 some home over the weekend at one point but there
10 was at least a dozen and as I said, these are the
11 folks that did it every two years for legislative
12 campaigns as well.

13 Q This actually happens in a matter of
14 days, does it not?

15 A Yeah, I mean, it is a high pressure thing
16 because you are facing a deadline. I don't
17 remember the statute off the top of my head but I
18 think you have ten days from the time the
19 petitions are submitted until you have to
20 challenge it.

21 Q Is this something that was done after
22 work or a couple hours on a weekend or was it a
23 24/7 effort basically?

24 A I mean, there was some employees I think
25 who took it as a 24/7 and did it 24/7, did it at

1 their desks. And as I said, there were some that
2 just did it when they went home at night.

3 Q To the extent that was done out of the
4 district office, who was responsible for
5 supervising and directing that effort?

6 A I would say Annamarie.

7 MR. KRASTEK: Your witness.

8 Can we approach the bench?

9 THE COURT: Sure.

10

11 (Whereupon, there was a discussion held
12 at sidebar off the record.)

13

14 THE COURT: Ladies and gentlemen, thank
15 you for your patience.

16 Had you finished your direct?

17 MR. KRASTEK: I have.

18

19

CROSS EXAMINATION

20 BY MS. EDDY:

21 Q Good morning, Mr. Manzo. My name is
22 Cynthia Eddy and I represent Miss Rosepink.

23 A Good morning.

24 Q I just have a couple of questions for you
25 as a follow up to your testimony. I believe that

1 appreciate your patience but we are going to take
2 a short recess and there may be additional
3 questions for you so I would ask that you just
4 stand by.

5 We will take a five minute recess. We
6 will make it ten minutes.

7

8 (Whereupon, a brief recess was taken.)

9

10 AFTER RECESS

11

12 THE COURT: Miss Eddy, do you have
13 additional questions for Mr. Manzo?

14 MS. EDDY: Yes, Your Honor.

15 THE COURT: Come up, sir. You are still
16 under oath.

17

18 BY MS. EDDY:

19 Q Mr. Manzo, you are testifying here today
20 under a plea agreement with the Commonwealth;
21 isn't that correct?

22 A Yes, ma'am.

23 Q You have agreed to plead guilty to
24 certain counts that you were charged with; is
25 that correct?

1 A Yes, ma'am.

2 Q You have agreed to cooperate with the
3 Commonwealth?

4 A Yes, I have.

5 Q In the prosecution of other defendants?

6 A Yes.

7 Q You have agreed to provide truthful
8 testimony?

9 A Yes, ma'am.

10 Q Has your testimony here today been
11 truthful in accordance with your agreement?

12 A Yes.

13 MS. EDDY: I have no further questions
14 for this witness and this was the copy that had
15 been provided to me by the Commonwealth. I will
16 give it to Mr. Ignelzi now.

17 THE COURT: Sure.

18 Did you have any questions?

19 MR. IGNELZI: No, Your Honor.

20 THE COURT: Very well. Anything else for
21 Mr. Manzo from either side?

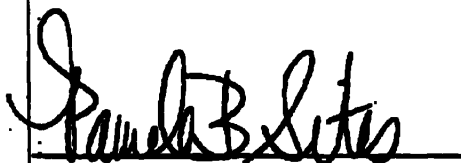
22 MR. KRASTEK: No, Your Honor.

23 THE COURT: Thank you, sir. You may step
24 down.

25 Do you have questions for Mr. Lavelle?

C E R T I F I C A T I O N

I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me on the hearing of the above cause, and that this is a correct transcript of the same.



Pamela B. Sites, RPR
Official Court Reporter

The foregoing record of the proceedings upon the hearing of the above cause is hereby approved and directed to be filed.

Richard A. Lewis, P.J.
Date: _____, 2008